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In re Application of
WEISSMAN, Yitzhak
Serial No.: 10/542,552
PCT No.: PCT/IL03/00291
Int. Filing Date: 07 April 2003
Priority Date: 21 January 2003
Atty. Docket No.: 29811
For: STEREOSCOPIC DISPLAY
APPARATUS PARTICULARLY
USEFUL WITH LCD PROJECTORS

DECISION ON PETITION

This decision is in response to applicants' "Petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b)" filed on 28 September 2005.

BACKGROUND

On 07 April 2003, applicant filed international application no. PCT/IL03/00291 which claimed a priority date of 21 January 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 October 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 21 July 2005.

On 18 July 2005, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, an authorization to charge the basic national fee to Deposit Account no. 50-1407; a copy of the international application; and a preliminary amendment.

On 23 September 2005, applicant filed a Petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b).

DISCUSSION

A review of the application file and present petition reveals that on 18 July 2005, applicant filed a transmittal letter for entry into the national stage in the United States and authorized the PTO to charge Deposit Account no. 50-1407 the appropriate basic national fee. However, at the time of processing the PTO was unable to deduct the full basic national fee from the Deposit Account due to insufficient funds. Applicant has filed the present petition under 37 CFR 1.137(b).

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the payment of the basic national fee of \$150.00.

As to Item (2), the appropriate petition fee of \$750.00 as required by 37 CFR 1.17(m) has been submitted.

With regard to Item (3), applicant's statement that "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" complies with 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Therefore, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.


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